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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/891,757	06/26/2001	Russell P. Davis		3807

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Russell Patton Davis
613 Mango Dr.
Virginia Beach, VA 23432

EXAMINER

PRICE, RICHARD THOMAS JR

ART UNIT

PAPER NUMBER

3643

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Please find below and/or attached an Office communication concerning this application or proceeding.

This Office Action is in response to the election filed on 12-02-2002 and 01-03-2003 and a Petition under 1.103 to suspend prosecution filed also on 01-03-2003. In both responses, the Applicant tries to elect claim 40, yet no claim 40 is provided. Further, it appears the Applicant is trying to amend claims 1-39, by stating the following "claims 1 through 39 are restated as dependant claims." It is unclear, first because no amended copy showing these exact changes to these now "restated dependant claims" are presented and it is not clear as to what claim they are suppose to be dependent from. Further, these claims are to be linked with claim 0. It is not proper to have a claim 0, and it is unclear to the Examiner what is meant by "linked".

In response to the Petition under 1.103 to suspend prosecution, the Examiner has considered the Applicant's petition and the petition is not granted. The Examiner believes the Applicant has not shown proper cause. First, the Applicant's pending litigation is not related to any patentability issues in the prosecution of the application, and Applicant's desire to have a PCT application to be published before the US application is not a proper reason for clause.

The reply filed on 12-02-2002 is not fully responsive to the prior Office Action. because: See the above mentioned discussion. Since the period for reply set forth in the prior Office action has expired, this application will become abandoned unless applicant corrects the deficiency and obtains an extension of time under 37 CFR 1.136(a).

The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of

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